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RG:0033

Office of the Director

January 7, 1977

Councilman Rudy Pacarro
Planning & Zoning Committee Chairman
City Council, City Hall
Honolulu, Hawaii 96813

Dear Councilman Pacarro,

Special Management Area at Heeia, Oahu

We have been asked to comment on the May 17, 1976 letter from Ben F. Kaito to Councilman Rudy Pacarro concerning the inclusion of the Heeia Meadowland in the Special Management Area established under the Shoreline Protection Act (Council Misc. Com. No. 404--See Attachment).

The following comments have been prepared by Robert Stanfield of the Pacific Urban Studies and Planning Program. As a former member of the staff of the Hawaii Environmental Simulation Laboratory Mr. Stanfield was responsible for much of HESL's work on the Heeia area.

In his letter, Mr. Kaito argues that the Council exceeded its authority in defining the existing SMA boundary around the Heeia Meadowland. As a result of this argument, he calls for the Council to amend the boundary.

The argument presented in the letter and in the subsequent communications (Council Misc. Com. No. 751--See Attachment II) on September 14, 1976 seem erroneous for two reasons:

(1) Misinterpretation of the Act. The Shoreline Protection Act (Act 176, 1975) does not prohibit the Council from setting the SMA boundary farther away from the shoreline than a 100 yards. The Act merely requires that the boundary be at least a 100 yards from the shoreline. The Council could have taken the boundary to the top of the Koolaus and still have been within the mandate of the Shoreline Protection Act.

(2) Lack of Information. Mr. Kaito may have been unaware that in the report of the Joint Conference Committee on the Shoreline Protection Act (Conference Committee Report 25, 1975), specific direction is given that both "Heeia Meadows" and "Kawainui Swamp" are to be included in the Special Management Area.

For a more complete discussion of the considerations involved in setting the SMA boundary, reference may be made to the "Special Management Area Boundaries and

Guidelines Under the Shoreline Protection Act", Environmental Center Special Report 0009 by Cox, Bartram, and Holt, 13 September 1975.

In summary, the argument that can be made for the inclusion of Heeia Meadows in the SMA follows these lines:

(1) The Legislature mandated the County to set the boundary of the SMA as far inland as the County felt appropriate so long as the 100 yard minimum was observed.

(2) The Legislature indicated, in the Conference Committee report, that Heeia Meadows should be included in the SMA.

(3) Heeia Meadowland is:

- a flood hazard area
- a coastal wetland and a flood water storage area
- a potential bird habitat
- a scenic open space area in an urban area
- a potential recreation area (The Legislature authorized expenditure of funds to determine cost of acquisition as a park)
- an existing and potential agricultural area

In addition, changes in Heeia Meadows might have a significant impact on Heeia Fish Pond, an important Coastal Historical site and marine environment, and on portions of Kaneohe Bay adjacent to the mouth of Heeia Stream.

Because of the potential for "permanent loss of valuable resources" and "foreclosure of management options" associated with development of Heeia Meadows, it seems that the purposes of the Shoreline Protection Act are served by inclusion of the meadows in the SMA.

Yours very truly,

Doak C. Cox

Doak C. Cox
Director

(by JMI)

cc: Robert Stanfield
enclosures